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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,634	10/10/2000	Yoshihisa Usami	Q58611	1846

7590 09/15/2003

Sughrue Mion Zinn MacPeak & Seas P L L C
2100 Pennsylvania Avenue N W
Washington, DC 20037-3213

EXAMINER

VARGOT, MATHIEU D

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 09/15/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,634

Applicant(s)

USAMI

Examiner

M. VARGOT

Group Art Unit

1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 6/19/03

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 2, 4-8, 10 + 11 is/are pending in the application.

Of the above claim(s) 10 + 11 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 2 + 4-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

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1. Non-elected claims 10 and 11 should be cancelled to expedite prosecution of the case.
2. Claims 2 and 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 consists of drying the recording layer on the substrate (by) allowing clean air to flow toward the recording layer and narrowing the intake for introducing the clean air by applying a lid to the intake. Hence, at line 3 of the claim, the language "comprising a step of" should preferably be --comprising the steps of-- with the last two lines of the claim rewritten in process language --ie, --narrowing the intake...--. Also, the language in the last two lines of the claim 2 is indefinite as to the cooperation of the intake and the recording layer on the substrate. Applicant has previously recited "allowing clean air to flow...." and then recites "an intake for introducing said clean air". Presumably, the act of introducing the clean air allows it to flow, but this is not set forth precisely. More importantly, applicant has not made clear how the intake cooperates with the substrate to introduce the clean air. For instance, an intake is generally used to mean an opening by which fluid is admitted, but the way claim 2 is phrased, it would appear that the intake exhausts the clean air toward the substrate. Hence, the intake would appear to be an exhaust duct. It is not clear exactly what portion (of the duct, intake or exhaust) is narrowed and this should be more precisely set forth in the claims.

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3. Applicant's election of claims 2 and 4-8 is noted. Claims 10 and 11 should be cancelled. Also, the language of claim 2 requires clarification as to the cooperation of the intake and the substrate and to how exactly the intake and lid cooperate to provide the clean air to the substrate.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

September 8, 2003

M. Vargot
MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

9/8/03